

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

DULYN GROUP, INC.,

Case No.: 23-22002-shl

Debtor.

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CIVIL CONTEMPT ORDER

Upon the Order for Relief and Order to File Schedules and Other Documents entered on February 24, 2023 (“Order for Relief”) [ECF No. 4]; and upon the Order: (I) Compelling The Debtor To Comply With The Order For Relief And Order To File Schedules And Other Documents; (II) Directing The Debtor To Turn Over Certain Books And Records To The Trustee; And (III) Granting Related Relief entered on April 26, 2023 (“April 26 Order”) [ECF No. 14]; and upon the Affidavit of Service of the April 26 Order [ECF No. 18]; and upon the Order: (I) Finding The Debtor In Contempt Of The Court’s April 26, 2023 Order; (II) Imposing Civil Sanctions On The Debtor For Its Non- Compliance With The Court’s April 26, 2023 Order; (III) Authorizing The Trustee To Issue Subpoenas For The Production Of Documents And Information Relating To The Debtor’s Financial Affairs; And (IV) Granting Related Relief entered on November 21, 2023 (“November 21 Order”) [ECF No. 36]; and upon the Affidavit of Service of the November 21 Order [ECF No. 40]; and upon the Order: (I) Imposing Additional Civil Sanctions On The Debtor For Its Continued Non- Compliance With The Court’s April 26, 2023 Order; And (II) Granting Related Relief entered on March 12, 2024 (“March 12 Order”) [ECF No. 45]; and upon the Affidavit of Service of the March 12 Order [ECF No. 47]; and upon the Affidavit of Patrick Christoper, Esq. filed on March 14, 2024 [ECF No. 46]; and upon the hearing conducted on April 17, 2024 (“April 17 Hearing”); and upon the record of the April 17 Hearing; and upon the Order Directing Appearance entered on April 24, 2024 (“April 24 Order”) [ECF No. 50]; and upon the Affidavit of Service of the April 24 Order [ECF

No. 51]; and upon the hearing conducted on May 22, 2024 (“May 22 Hearing”); and upon the record of the May 22 Hearing; and Michael H. Naughton having failed to appear at the Hearing; and Daniel D. Naughton having failed to appear at the Hearing; THE COURT HEREBY FINDS THAT:

- A. Michael H. Naughton received proper and timely service of the April 24 Order.
- B. Daniel D. Naughton received proper and timely service of the April 24 Order.
- C. The April 24 Order provides, inter alia, as follows:

. . . on **May 22, 2024 at 10:00 a.m.**, Michael H. Naughton and Daniel D. Naughton are directed to appear before the Court, at the United States Bankruptcy Court, Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, on behalf of the Debtor with the documents and information that the Debtor was required to turn over to the Trustee pursuant the April 26 Order, **AND THE FAILURE OF MICHAEL H. NAUGHTON AND DANIEL D. NAUGHTON TO APPEAR MAY RESULT IN SANCTIONS, INCLUDING ENTRY OF ORDER DIRECTING THE UNITED STATES MARSHAL SERVICE TO BRING MICHAEL H. NAUGHTON AND DANIEL D. NAUGHTON BEFORE THE COURT[.]**

D. Michael H. Naughton willfully failed to comply with the Court’s April 24 Order by failing to appear in Court on May 22, 2024.

E. Daniel D. Naughton willfully failed to comply with the Court’s April 24 Order by failing to appear in Court on May 22, 2024.

F. Michael H. Naughton is in civil contempt of the Court’s April 24 Order.

G. Daniel D. Naughton is in civil contempt of the Court’s April 24 Order.

NOW, THEREFORE, IT IS HEREBY

ORDERED that, if Michael H. Naughton does not purge his contempt of the Court’s April 24 Order on or before **5:00 p.m. on September 4, 2024**, pursuant to 11 U.S.C. § 105(a) and the inherent power of this Court to impose civil contempt sanctions, the United States Marshals Service is commanded and directed to detain Michael H. Naughton, an individual with a last known address at 1583 Irving Street, Baldwin, New York 11510, until such time as he purges his civil contempt as

determined by the Court; and, it is further

ORDERED that, if Daniel D. Naughton does not purge his contempt of the Court's April 24 Order on or before **5:00 p.m. on September 4, 2024**, pursuant to 11 U.S.C. § 105(a) and the inherent power of this Court to impose civil contempt sanctions, the United States Marshals Service is commanded and directed to detain Daniel D. Naughton, an individual with a last known address at 1583 Irving Street, Baldwin, New York 11510, until such time as he purges his civil contempt; and, it is further

ORDERED that, in carrying out this Order, the United States Marshals are authorized to use whatever force is reasonably necessary in order to arrest and restrain Michael H. Naughton and Daniel D. Naughton, and may do so after business hours. If the United States Marshals arrest Michael H. Naughton and Daniel D. Naughton during a week-end, they may detain them over the week- end; and it is, hereby

ORDERED that service of a copy of this Order and upon: (i) Daniel D. Naughton at his last known address (1583 Irving Street, Baldwin, New York 11510); and (ii) Michel H. Naughton at his last known address (1583 Irving Street, Baldwin, New York 11510) via overnight mail shall be deemed good and sufficient notice and service of this Order; and, it is further

ORDERED that the Trustee is authorized and empowered to expend such funds and execute and deliver any and all documents as are reasonably necessary to implement the terms of this Order.

Dated: August 2, 2024
White Plains, New York

/s/ Sean H. Lane
United States Bankruptcy Judge